

BEFORE THE NATIONAL GREEN TRIBUNAL,
NEW DELHI
(PRINCIPAL BENCH)

IN THE MATTER OF

IA No 557 of 2024

Harish Chandra Research Institute Applicant

IN

OA No. 515/2023

In Re: Ganga Pollution Vs State of U.P & Ors

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Date: 22.04. 2025

Place: New Delhi



Through Counsel

Gigi. C. George
Advocate



Respondent NMCG

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)**

IA No 557 of 2024

Harish Chandra Research Institute Applicant

in

OA No. 515/2023

IN THE MATTER OF:

Ganga Pollution Vs State of UP & Ors

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NATIONAL MISSION FOR CLEAN GANGA (NMCG), DEPARTMENT OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION MINISTRY OF JAL SHAKTI, NEW DELHI

Most Respectfully, I, Anup Kumar Srivastava, aged 58 years, working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), D/o WR, RD & GR, Ministry of Jal Shakti do hereby solemnly affirm, and declare as under:

1. That, I, the deponent is working as Executive Director (Technical) in the NMCG and well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and competent to submit this affidavit on behalf of the answering Respondent NMCG. That, NMCG is one of the authorities constituted under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 issued under the provisions of the Environment (Protection) Act, 1986.
2. That, amongst other issues, the Hon'ble NGT is seized of the issue involved pertaining to the demarcating the Flood Plain Zone (FPZ) of River Ganga, especially in reference to the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016[River Ganga Authority Order, 2016]. The answering respondent has filed an affidavit before this Hon'ble Tribunal apprising the steps being taken that Ministry of Jal Shakti (MoJS) in the matter of OA no. 515/2023.
3. That the I.A 557/2024 has been filed by the Applicant, i.e., Harish-Chandra Research Institute before this Hon'ble Tribunal for appropriate order allowing the said Applicant to continue, inter-alia, the construction of the campus as per Master Plan approved by the Authorities, complete the unfinished construction of the Hostel Building and extension of the Library Building and computer centre and /or to complete A lecture hall complex and conference centre, etc.



अनूप कुमार श्रीवास्तव/Anup Kumar Srivastava
 कार्यकारी निदेशक (संयोजकीय) / Executive Director (Technical)
 राष्ट्रीय स्वच्छ गंगा मिशन / National Mission for Clean Ganga
 अखिल - 4 अंश नदी विकास और गंगा संरक्षण विभाग
 नदी विकास और गंगा संरक्षण विभाग / Ministry of Jal Shakti
 नया - दिल्ली, भारत / Govt. of India, New Delhi

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4. In this regard, it is submitted that, as per Para 23 of this IA, in Feb, 2013, Vice Chairman of the Allahabad Development Authority informed the Institute that all the construction activities on the Institute's campus must be halted forthwith, in pursuance of the Orders dated 22.04.2011 and 16.08.2012 passed by the Hon'ble High Court of Judicature at Allahabad in the Civil Misc Writ Petition no. 4003 of 2006, since the entire campus falls within 500 meters of the river Ganga.
5. In this context, it is submitted that as per the provisions contained in the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, the following is submitted:
- i. *Para 3 (1)- "flood plain"* means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;
 - ii. *Para 6 (3)-* the provisions inter-alia provides that no person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

iii. Further as regards provisions of Para 42 of the River Ganga Authorities Order, 2016, it contemplates seeking prior approval in certain matters mentioned hereunder:

- a) engineered diversion and storage of water in River Ganga without affecting the flow of water downstream of the River Ganga;



ANUP KUMAR SRIVASTAVA
 ANUP KUMAR SRIVASTAVA (TECHNICAL) / Executive Director (Technical)
 राष्ट्रीय स्वच्छ गंगा मिशन / National Mission for Clean Ganga
 जल संवर्धन और गंगा संरक्षण विभाग
 Water Development and Ganga Rejuvenation
 जल शक्ति विभाग / Ministry of Jal Shakti
 नया दिल्ली / Govt. of India, New Delhi

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- b) construction of bridges and associated roads and embankments over the River Ganga or at its River Bank or its flood plain area;
 - c) construction of Ghats or extension of any existing Ghat;
 - d) construction of jetties;
 - e) construction of permanent hydraulic structures for storage or diversion or control of waters or channelization of River Ganga or its tributaries;
 - f) deforestation of hill slopes and notified forest and other eco-sensitive areas;
 - g) any other activity which contravenes the principles laid out in paragraph 4 which the National Mission for Clean Ganga may specify.
6. Further, the finalization of draft National Technical Standards for Flood Plain Zoning (FPZ) has also been initiated and discussed in the DoWR, RD & GR, Ministry of Jal Shakti on 04.04.2025; and it was decided to seek comments on the issue of demarcation/identification of the FPZ in hilly areas from Govt of Uttarakhand. The response from the State Government, received on 09.04.2025, was sent to the Central Water Commission (CWC) for incorporation of views and to submit to the Ministry for its finalization by the Ministry of Jal Shakti. CWC has submitted its reply to the Ministry on 17.04.2025.
7. That it is humbly submitted for consideration of this Hon'ble Tribunal that if project proponent, M/s Harish Chandra Research Institute, approaches the NMCG submitting full details of the proposal along with set of clearances obtained by them, the NMCG would consider/examine the proposal under the said provisions (Para 5 above) for appropriate decisions.

[Handwritten signature]

श्री/सौ अशोक कुमार शिवस्ताव (Technical) / Executive Director (Technical)
 राष्ट्रीय मिशन क्लियर गंगा / National Mission for Clean Ganga
 विकास और गंगा संरक्षण विभाग / Development and Ganga Rejuvenation
 नदी निकास विभाग / Ministry of Jal Shakti
 नई दिल्ली / Govt. of India, New Delhi

VERIFICATION:

Verified at New Delhi on 22nd April, 2025 that the contents of the above affidavit are true and correct to my knowledge based on official record and no part of it is false and nothing material has been concealed therein.

[Handwritten signature]

श्री/सौ अशोक कुमार शिवस्ताव (Technical) / Executive Director (Technical)
 राष्ट्रीय मिशन क्लियर गंगा / National Mission for Clean Ganga
 विकास और गंगा संरक्षण विभाग / Development and Ganga Rejuvenation
 नदी निकास विभाग / Ministry of Jal Shakti
 नई दिल्ली / Govt. of India, New Delhi



CERTIFIED THAT THE DEPONENT
 श्री/सौ अशोक कुमार शिवस्ताव
 S/o, w/o, d/o Executive Director (Tech.)
 Identified by श. इश्वर सिंह Adv.
 have solemnly sworn before me at Delhi
 on 22/4/2025 at serial no. 2512
 that the contents of the affidavit which have
 been read over and explained to him/her
 are true and correct to his/her knowledge.

Oath Commissioner
Govt. of NCT of Delhi

22/4/2025